

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Case No. 1:15-cr-2
(WMS)

Plaintiff,

vs.

May 18, 2016

JASON M. SMITH,

Defendant.

**TRANSCRIPT OF CHANGE OF PLEA HEARING
BEFORE THE HONORABLE WILLIAM M. SKRETNY
UNITED STATES DISTRICT JUDGE**

APPEARANCES:

WILLIAM J. HOCHUL, JR.
UNITED STATES ATTORNEY
BY: SCOTT S. ALLEN, JR., ESQ.
Assistant United States Attorney
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Buffalo, New York 14202
For the Plaintiff

LAW OFFICES OF THOMAS A. EOANNOU
BY: THOMAS A. EOANNOU, ESQ.
484 Delaware Avenue
Buffalo, New York 14202
For the Defendant

PRESENT:

JASON M. SMITH, Defendant

CLERK:

MARY LABUZZETTA

COURT REPORTER:

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1 (Proceedings commenced at 2:34 p.m.)

2 THE CLERK: All rise.

3 THE COURT: Okay. Good afternoon. Please have a
4 seat.

5 Hello, good afternoon, Ann.

6 You're here much too often, Mr. Eoannou.

7 MR. EOANNOU: I've been seeing you a lot lately,
8 Judge.

9 THE COURT: All right. For the record, you may as
10 well tell us who you are.

11 MR. EOANNOU: Tom Eoannou for Jason Smith.

12 MR. ALLEN: Good afternoon, Your Honor, Scott Allen
13 for the United States.

14 THE COURT: Okay, Mr. Allen.

15 And you are, of course, Jason Smith?

16 THE DEFENDANT: Good afternoon, Your Honor.

17 THE COURT: Good afternoon.

18 All right. This matter was scheduled, actually, for
19 a plea. And I think the last time you were here back in
20 March, you said the plea had -- deal had been reached, but
21 something's come up since then and we're not going forward
22 today; is that right?

23 MR. EOANNOU: That is correct, Judge. There was a
24 five point enhancement. We have now changed the plea for
25 about the fourth time, and we are now ready to set a plea

1 date.

2 And I just want to say to the Court, I want to thank
3 Mr. Allen. He has been incredible in terms of being
4 sympathetic to the defendant's position and being available.
5 We have talked maybe 25 times on this case.

6 THE COURT: Okay. Mr. Allen, thank you on behalf of
7 the Court, as well.

8 Okay. There was an issue relating to the state
9 investigation and how information was obtained. Is that
10 behind us now?

11 MR. EOANNOU: That is behind us. The U.S.
12 Attorney's Office allowed us to preserve our right to appeal
13 and has also provided us with the documents that my client
14 requested. So, yes, that's behind us.

15 THE COURT: Okay. So, thank you.

16 What do we have to do now? Do you have to get some
17 additional approval? Or can we just --

18 MR. ALLEN: Yes, Your Honor. It's going up the
19 chain. I finalized -- Mr. Eoannou and I finalized it
20 yesterday, I passed it up immediately. I do not anticipate an
21 issue though, of course, it's the U.S. Attorney's decision.
22 And I would respectfully request a somewhat short turnaround
23 on this, like, two weeks if that's possible, Your Honor.

24 THE COURT: All right. Now that all these senior
25 guys are leaving your office, is the chain going to be better

1 oiled or greased so that we can get up there quicker these
2 days, or what?

3 MR. ALLEN: I hope so, Your Honor.

4 MR. EOANNOU: I highly doubt it.

5 THE COURT: Okay. How much time?

6 MR. ALLEN: I guess it's more up to the -- I mean,
7 I'd like to -- I can do it next week, Your Honor. Because
8 either next week, we'll either know whether or not we're
9 taking a plea or whether we're not at that point.

10 MR. EOANNOU: I'm just going to need time to get the
11 final plea, go out, sit with Jason as I promised him I would
12 and go over it again. So, I don't -- can't possibly do it by
13 next week.

14 I think I was here on the 22nd of June, if --

15 THE CLERK: 22nd of June? Let's see.

16 MR. EOANNOU: I said 9:30 and you said 2:30, this
17 morning. And the judge said maybe 9 so I'm here on time?

18 THE CLERK: Wow, he's good, right?

19 THE COURT: Well, he's finally getting the message.

20 THE CLERK: So, do you want to schedule it then for
21 2:30, and we'll just do one right after the other?

22 MR. EOANNOU: Sure. Yes.

23 THE CLERK: The 22nd at 2:30?

24 MR. EOANNOU: Thank you, Judge.

25 THE COURT: Mr. Allen, that works for you, I take it?

1 MR. ALLEN: I would rather do it earlier, but if
2 that's where everybody else is, Your Honor --

3 THE COURT: All right. Well, if you want to be here
4 at 9 or 9:30 --

5 MR. ALLEN: No, no, I mean earlier in the calendar,
6 Your Honor.

7 MR. EOANNOU: I'll be in the attorney's lounge and we
8 can check it out.

9 THE COURT: All right. We'll make sure that
10 everything's in order here from your standpoint, Mr. Smith,
11 and then hopefully we can move through this, okay?

12 MR. EOANNOU: Okay. Thank you.

13 THE COURT: I'll exclude the time through and
14 including the 22nd --

15 MR. EOANNOU: Yeah.

16 THE COURT: -- in the interest of justice under
17 3161(h)(7)(A), and I find that the ends of justice outweigh
18 the interests of defendant and society to a speedy trial.
19 Okay?

20 MR. EOANNOU: Thank you.

21 THE COURT: We'll see you.

22 MR. ALLEN: Thank you, Your Honor.

23 THE COURT: Thank you, very much.

24 (Proceedings concluded at 2:38 p.m.)

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CERTIFICATION

I certify that the foregoing is a
correct transcription of the proceedings
recorded by me in this matter.

s/ Ann M. Sawyer

Ann M. Sawyer, RPR, CRR, NYRCR, NYACR
Official Reporter
U.S.D.C., W.D.N.Y. * * *